

FILED
HARRISBURG, PA

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

SEP 30 2024

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA

PER

[Signature]
DEPUTY CLERK

JAVIER MERAZ-CAMPOS (02119-508)

v.

Case No.

(Supplied by Clerk of Court)

J. Greene, WARDEN, LSCI ALLENWOOD
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: JAVIER MERAZ-CAMPOS
(b) Other names you have used:
2. Place of confinement: LSCI Allenwood
(a) Name of institution: LSCI Allenwood
(b) Address: P.O. Box 1000
White Deer, PA 17887
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
US District Court, Arizona
(b) Docket number of criminal case: CR-18-01398-001-PHX-SPL
(c) Date of sentencing: 10-18-2019
- Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- Pretrial detention
 Immigration detention
 Detainer
 The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
 Disciplinary proceedings
 Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

FBOP, LSCI Allenwood, White Deer, PA

(b) Docket number, case number, or opinion number: 02119-508

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

LSCI Unite team for Union unit has refused to acknowledge my argument that I do not have an official order of removal from ICE which is preventing me from receiving early release time credit I have earned through the FSA programming.

(d) Date of the decision or action: August 27, 2024

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

 Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

FBOP, LSCI Allenwood, White Deer, PA

(2) Date of filing: August 4th, 2024

(3) Docket number, case number, or opinion number: _____

(4) Result: Request Denied

(5) Date of result: August 9th, 2024

(6) Issues raised: Petitioner requested the return of his earned FSA time credit he has earned through programming. BOP claimed he is ineligible due to a final order of removal issued by ICE. Petitioner argued, the order is invalid as the local DHS office has no actual legal documents on his removal proceedings. BOP is misleading the petitioner into believing the detainer is official, but as the attached Memo argues, they are not and he deserves immediate release.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

 Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
FBOP, LSCI Allenwood, White Deer, PA
- (2) Date of filing: August 12th, 2024
- (3) Docket number, case number, or opinion number:
- (4) Result: Request Denied
- (5) Date of result: August 27th, 2024
- (6) Issues raised: Same as the first, in addition to demanding the BOP to produce relevant documents as claimed by the unit team disqualifying me from applying FSA credits. Inmate claimed BOP is holding him against the will of Congress as the DHS removal order is not a valid document. The DHS agent who supposedly signed the expedited order of deportation has exceeded his authority. Because the inmate was paroled into the country by the AG, he is entitled to an IJ hearing.

(b) If you answered "No," explain why you did not file a second appeal:

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

BOP refused to acknowledge that this is an issue for them to solve and is repeatedly deferring me to DHS for resolution. Effort is futile.
Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:
-
- _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals? _____

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes

No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes

No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: The BOP is intentionally denying me my FSA release credit, claiming DHS has placed a final order of removal on me. The ICE form I-860, notice of expedited order of removal is "Defective" as the agent was unauthorized to issue such order.

- (a) Supporting facts (*Be brief. Do not cite cases or law.*):

As detailed in the attached memorandum, because the petitioner was "Parole" into the country to face criminal prosecution, he is not an "illegal alien" or "inadmissible" because it was the United States Attorney General who "ORDERED" the petitioner to be brought into the country to be prosecuted. Therefore only an Immigration Judge is Statutorily authorized to issue the order of removal against him.

- (b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Petitioner is entitled to immediate release because of the flawed removal. He is confined way past his statutory release period. He is entitled to 365-days of FSA early time credit 430-days of RRC/HC and upto 12-months of SCA RRC/HC.

- (a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner's release date based on the BOP is 08/09/2025, when in fact he should have been released in December 2022, almost two-years ago. Every effort on my behalf to change the immigration hold on me has been futile. BOP refuse to accept any of my argument that I do not have a final order of removal, in addition to the fact I had applied for asylum upon my arrest and denied a hearing.

- (b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: BOP & DHS refuse to produce documents relating to my initial arrest where I has interviewed by the border patrol agent and I asked for asylum for fear of my life since I got caught with the drugs and the cartel will kill me for losing the drugs.

- (a) Supporting facts (*Be brief. Do not cite cases or law.*):

By law, I should have been provided an opportunity to present my asylum claim before an immigration judge since I was forwarded to a secondary inspection upon my arrest at the border. Before my arrest for the drug trafficking, I had claimed asylum but the local Williamsport DHS office refuse to respond to letters requesting for proof of my asylum application. that proof will cancel the I-860.

- (b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

The BOP has been denying this and other prisoners Second Chance Act (SCA) halfway house time credit claiming it is in BOP to deny HH access to inmates with ICE detainees. As in the earlier arguments, detainees are illegally placed by DHS.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Based on inter governmental agencies rules, it is not the BOP's prerogative to execute DHS's function of removing aliens from this country. Therefore, any BOP policy pertaining to assisting ICE with removal is moot since DHS's own policy relating to detainees is a "wait and see" approach as described in the argument in the attached memorandum.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

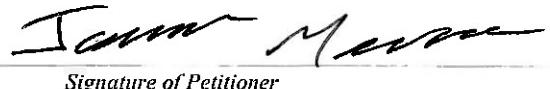
15. State exactly what you want the court to do: Petitioner ask this court to rule the DHS ICE form I-860 as defective since the petitioner can only be removed by an immigration judge. Subsequently, because of the defective order BOP must restore all earned time credit due to the petitioner which will results in him eligible for an immediate release as the petitioner has already suffered irreparable injury by being confined by the BOP in excess of 20 months beyond his original release date. Petitioner has a home and family he can be released to immediately and ask the court to issue such an order to be released to his family immediately. It is upto DHS/ICE if they wish to continue to attempt to remove the alien in the near future.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 9-24-24



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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United States